

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

*In re* Flint Water Cases.

Judith E. Levy  
United States District Judge

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This Order Relates To:

Alexander, et al. v. City of Flint, et al.  
Case No. 16-13421

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**OPINION AND ORDER DISMISSING CERTAIN DEFENDANTS**

On December 12, 2019, the Court ordered Plaintiffs to show cause in writing by January 8, 2020 why certain Defendants should not be dismissed. (ECF No. 158.) Relevant here these Defendants are: Daniel

Wyant,<sup>1</sup> Dayne Walling,<sup>2</sup> Nick Lyon,<sup>3</sup> Edward Kurtz,<sup>4</sup> Liane Shekter Smith,<sup>5</sup> Nancy Peeler,<sup>6</sup> and Robert Scott.<sup>7</sup>

Plaintiffs responded on January 8, 2020, joining the response filed by Co-liaison Counsel. (*Carthan*, No. 16-cv-10444, ECF No. 1035.) This response argued that Shekter Smith should not be dismissed in several of the individual Flint Water Cases. The Court will decide the issues raised by Co-Liaison Counsel at a later date. Because Plaintiffs have not raised arguments as to other Defendants, the following Defendants are dismissed: Wyant, Walling, Lyon, Kurtz, Peeler, and Scott.

IT IS SO ORDERED.

Dated: March 30, 2020  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

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<sup>1</sup> Wyant was dismissed as a Defendant in *Carthan*, 384 F. Supp. at 859 and again in *Walters*, 2019 WL 3530874, at \*16.

<sup>2</sup> Walling was dismissed as a Defendant in *Carthan*, 384 F. Supp. at 860 and again in *Walters*, 2019 WL 3530874, at \*39.

<sup>3</sup> Lyon was dismissed as a Defendant in *Walters*, 2019 WL 3530874, at \*35.

<sup>4</sup> Kurtz was dismissed as a Defendant in *Carthan*, 384 F. Supp. at 860, and was not named as a Defendant in *Walters*, 2019 WL 3530874, at \*3 n.5.

<sup>5</sup> Shekter Smith is still a Defendant in *Carthan*, 384 F. Supp. at 859, but was dismissed in *Walters* on statute of limitations grounds. *Walters*, 2019 WL 3530874, at \*11–\*13.

<sup>6</sup> Peeler was dismissed in *Carthan*, 384 F. Supp. at 858, and was not named as a Defendant in *Walters*, 2019 WL 3530874, at \*2 n.4.

<sup>7</sup> Scott was not named as a Defendant in *Walters*, 2019 WL 3530874, at \*2 n.4.

## **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 30, 2020.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager